

REMARKS

This response is filed in response to the Office action mailed May 8, 2003, setting forth a shortened statutory period for reply ending on August 8, 2003. The Assignee respectfully requests the Examiner consider the following remarks.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-13, 15-21, 23-29, and 31-70 under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 5,774,664 to Hidary et al. (hereinafter “Hidary”) in view of United States Patent No. 6,055,569 to O’Brien et al. (hereinafter “O’Brien”). The Examiner further rejected claims 14 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Hidary in view of O’Brien and further in view of United Kingdom Patent Application 2327837A to Butler et al. (hereinafter “Butler”). For at least the following reasons, the Assignee respectfully traverses the Examiner’s rejections.

1. Claims 1 and 17

The Examiner alleged Hidary teaches all operations of claim 1 and elements of claim 17, except for the operation of “constructing [a] prior to display on the display device in order to produce [a] construction web page.” Similarly, the Examiner alleges Hidary teaches all elements of claim 17 except for “a construction module for constructing [a] web page prior to its display on [a] display device in order to produce [a] constructed web page.” The Examiner further alleges O’Brien teaches claim 1’s operation and claim 17’s module. Specifically, the Examiner alleges this operation and/or module (hereinafter generally “operation”) is disclosed by O’Brien’s teaching regarding downloading pages and storing them in a memory cache. The applicant respectfully disagrees.

First, the Assignee respectfully submits O’Brien fails to teach “constructing a web page prior to display,” as required by independent claims 1 and 17. By contrast, O’Brien teaches only downloading constituent elements of a web page into memory. There is no teaching or suggestion in O’Brien of constructing a web page prior to displaying it. The fact that page elements are downloaded does not mean that the web page is itself assembled or constructed.

For example, O'Brien discloses retrieving multiple files for use by a client computer (col. 3, lines 1-3). These files may be stored in memory without being constructed into a web page. The Assignee respectfully submits that this is analogous to "retrieving... information using (an) address," as required by independent claims 1 and 17, but in no way anticipates or suggests the construction of a web page prior to displaying the web page. Instead, the Assignee respectfully submits O'Brien teaches nothing more than caching elements of a web page and assembling them when a user clicks a link or chooses to view a page. This is very different than the requirements of independent claims 1 and 17.

Further, the Assignee respectfully submits the combination of Hidary and O'Brien would be unworkable. Hidary teaches downloading or retrieving information in response to the receipt of a URL or "link file." For example, Hidary indicates a particular web browser is instructed to retrieve web pages identified by a received URL from the Internet upon receipt of these URLs (col. 3, lines 25-40). Alternatively, Hidary may direct a browser or software element to a specific web page in response to receiving URLs in a link file (col. 3, lines 41-67). In either situation, "client software retrieves URLs..., interprets these URLs and directs [a]... browser to retrieve the particular relevant web pages" corresponding to the URLs (col. 7, lines 8-30). In other words, Hidary specifically teaches that no web page is downloaded until a specific URL is received.

By contrast, O'Brien discloses a method and system for assigning probability weights to links on a web page (col. 3, lines 48-62) and downloading constituent elements of a web page only if the probability of weight of a link exceeds a certain value (col. 4, lines 18-29). That is, O'Brien is directed to attempting to predict specific web pages that may be of interest to a user and downloading elements of that web page prior to selection thereof in order to speed up the overall display of the page (Abstract). Since Hidary downloads information only after a URL or link file has been received and a specific web page identified, and O'Brien downloads information only prior to the identification and selection of a specific web page, the Assignee respectfully submits the combination of the two produces an unworkable invention. The two teach away from being combined with one another because their essential purposes are at odds with one another.

In summary, the Assignee respectfully submits: 1) O'Brien teaches only downloading elements of a web page prior to its selection; and 2) one of ordinary skill in the art would not be motivated to combine Hidary and O'Brien insofar as the two inventions teach away from such a combination. Thus, the Assignee respectfully submits independent claims 1 and 17 are patentable over the cited references, either singly or when taken in combination with one another. Accordingly, the Assignee respectfully requests the Examiner withdraw his rejections and allow independent claims 1 and 17. The Assignee makes this request without reference to the additional bases of patentability contained within both claims.

2. Dependent Claims 2-16, 18-21, and 23-70

Dependent claims 2-16, 18-21, and 23-70 depend from patentably distinct independent claims, namely 1 and 17. Insofar as these independent claims are patentable, the dependent claims are themselves patentable. The Assignee makes this assertion without reference to or waiving the additional bases of patentability contained within. Accordingly, the Assignee respectfully requests the Examiner withdraw his rejections and allow these dependent claims.

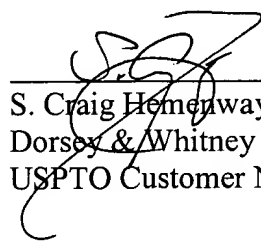
Closing Remarks

The Assignee thanks the Examiner for his review of the application and consideration of these remarks. The Assignee respectfully submits no new matter has been added by this response. Accordingly, and for at least the reasons given above, the Assignee respectfully submits all pending claims are in condition for allowance and solicits the issuance of a notice of allowance.

This response is filed with a petition for a one month extension and associated fees. The Assignee believes no additional petitions or fees are required. However, should any additional petitions or fees be associated with this response and required, please consider this a request therefor and authorization to charge Deposit Account 04-1415 as necessary. In the event the Examiner has questions or comments and believes a telephone conversation would expedite a resolution, the Assignee invites the Examiner to contact the undersigned attorney at (303) 352-1124.

Dated this 8th day of September, 2003

Respectfully submitted:



S. Craig Hemenway, Reg. No. 44,759
Dorsey & Whitney LLP
USPTO Customer No. 20686

SCH/sd
cc: IP Docketing